

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Molecular Probes, Inc.
29851 Willow Creek Road
Eugene, OR 97402

Attn: Mr. John White
Vice President of Operations

Dear Mr. White:

The Bureau of Industry and Security, United States Department of Commerce ("BIS") has reason to believe that on 97 occasions, Molecular Probes, Inc. ("Molecular Probes") violated the Export Administration Regulations (the "Regulations"),¹ which are issued under the authority of the Export Administration Act of 1979 (the "Act")². Specifically, BIS charges that Molecular Probes committed the following violations:

Charges 1-97 15 C.F.R. §764.2(a) - Unlicensed exports of toxins

On 97 occasions from in or about January 1998 through in or about October 2002, Molecular Probes caused the export of items subject to the EAR (conotoxin and tetrodotoxin – Export Control Classification Numbers 1C351.d.3 and 1C351.d.9) from the United States to various destinations without the license required by Section 742.2 of the Regulations. In so doing, Molecular Probes committed 97 violations of Section 764.2(a) of the Regulations. For further detail, see the attached schedule of violations.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violations charged occurred from 1998 to 2002. The Regulations governing the violation at issue are found in the 1998 through 2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998-2002)). The Regulations define the violations that BIS alleges occurred and establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1707 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106-508, and it remained in effect through August 20, 2001. The Act expired on August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp., p. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2003 (68 Fed. Reg. 47833, August 11, 2003), continues the Regulations in effect under IEEPA.

Accordingly, Molecular Probes is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of \$11,000;³

Denial of export privileges; and/or

Exclusion from practice before BIS.

If Molecular Probes fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default. (Regulations, Sections 766.6 and 766.7). If Molecular Probes defaults, the Administrative Law Judge may find the charges alleged in this letter are true without hearing or further notice to Molecular Probes. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each charge in this letter.

Molecular Probes is further notified that it is entitled to an agency hearing on the record if Molecular Probes files a written demand for one with its answer. (Regulations, Section 766.6). Molecular Probes is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. (Regulations, Sections 766.3(a) and 766.4).

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18). Should Molecular Probes have a proposal to settle this case, Molecular Probes or its representative should transmit the offer to me through the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Molecular Probes's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center
40 S. Gay Street
Baltimore, Maryland 21202-4022

³ See 15 C.F.R. § 6.4(a)(2).

Molecular Probes
Proposed Charging Letter
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In addition, a copy of Molecular Probes's answer must be served on BIS at the following address:

Office of Chief Counsel for Industry and Security
Attention: Philip Ankel
Room H-3839
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Philip Ankel is the attorney representing BIS in this case. Any communications that you may wish to have concerning this matter should occur through him. He may be contacted by telephone at (202) 482-5301.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Enclosure

MOLECULAR PROBES, INC. SCHEDULE OF VIOLATIONS

DATE (on or about)	Violations	COMMODITY	ECCN	DESTINATION	VALUE
1/7/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$123.25
1/12/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Belgium	\$333.03
1/16/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Belgium	\$111.01
1/27/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$113.75
2/10/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.00
2/23/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Turkey	\$145.00
3/16/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Belgium	\$444.04
4/23/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Belgium	\$696.04
5/15/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Great Britain	\$123.06
7/7/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.00

7/15/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Great Britain	\$113.43
8/13/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.00
8/17/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$89.00
9/4/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Austria	\$135.75
10/5/1998	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Japan	\$191.70
11/11/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.00
11/19/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Finland	\$579.84
12/9/1998	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$232.00
1/7/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Great Britain	\$110.45
2/24/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.00
3/3/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Great Britain	\$107.00
3/5/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Japan	\$111.24
3/10/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Belgium	\$321.00
3/16/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Belgium	\$107.00
3/19/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Great Britain	\$90.95

3/22/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$111.20
5/7/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Venezuela	\$106.65
5/18/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$139.00
6/3/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$111.46
6/18/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$265.80
7/14/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$111.46
8/18/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$83.13
8/24/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$141.98
9/3/1999	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Japan	\$142.00
9/6/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
10/7/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
12/17/1999	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Belgium	\$218.61
1/12/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$117.93
1/28/2000	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Australia	\$90.20
2/4/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Venezuela	\$143.75

2/25/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Finland	\$575.28
3/16/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
3/29/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Great Britain	\$110.73
4/4/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
4/7/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$110.74
4/10/2000	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Japan	\$264.00
4/28/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$110.74
5/2/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
5/12/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	France	\$496.18
5/26/2000	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Japan	\$88.00
5/31/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.82
6/8/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	France	\$693.62
8/15/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$110.58
8/24/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	France	\$531.35
9/4/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.61

9/12/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.61
9/28/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.61
10/16/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Italy	\$117.76
10/24/2000	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	France	\$110.25
11/10/2000	15 C.F.R. 764(a)	Conotixon	1C351.d.3	Japan	\$88.00
11/22/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$110.58
12/11/2000	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Denmark	\$143.61
1/11/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$143.61
1/18/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	France	\$531.35
1/25/2001	15 C.F.R. 764(a)	Conotixon	1C351.d.3	Denmark	\$110.00
3/23/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Australia	\$117.88
4/24/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Australia	\$115.00
4/26/2001	15 C.F.R. 764(a)	Conotixon	1C351.d.3	Denmark	\$220.57
5/18/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$123.00
5/29/2001	15 C.F.R. 764(a)	Conotixon	1C351.d.3	Italy	\$88.46

7/13/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Japan	\$242.00
7/24/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$123.84
8/9/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Finland	\$151.02
9/7/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Japan	\$121.00
9/25/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$604.08
10/5/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Belgium	\$151.02
10/17/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Belgium	\$302.04
10/22/2001	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Spain	\$114.89
10/29/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.29
11/5/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$151.02
11/26/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Singapore	\$151.25
12/6/2001	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$116.29
1/21/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Finland	\$123.84
2/14/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$123.84
2/18/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$123.84

3/1/2002	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Spain	\$114.89
4/5/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$122.38
4/17/2002	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Spain	\$121.43
5/1/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$122.38
5/7/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$122.38
5/14/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$244.76
6/11/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Finland	\$317.87
7/2/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$122.38
7/12/2002	15 C.F.R. 764(a)	Conotoxin	1C351.d.3	Germany	\$93.50
9/23/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Switzerland	\$367.14
10/1/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Canada	\$104.14
10/4/2002	15 C.F.R. 764(a)	Tetrodotoxin	1C351.d.9	Germany	\$130.33

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Molecular Probes, Inc.)
29851 Willow Creek Road)
Eugene, Oregon 97402)
)
Respondent.)
)

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Respondent, Molecular Probes, Inc. (“Molecular Probes”); and its parent company, Invitrogen Corporation (“Invitrogen”), that is guaranteeing payment of the civil penalty; and the Bureau of Industry and Security, United States Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (“Regulations”)¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),²

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violations charged occurred from 1998 to 2002. The Regulations governing the violations at issue are found in the 1998 through 2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998-2002)). The Regulations define the violations that BIS alleges occurred and establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August

WHEREAS, Molecular Probes filed a voluntary self-disclosure with BIS's Office of Export Enforcement in accordance with Section 764.5 of the Regulations concerning the transactions at issue herein;

WHEREAS, BIS has notified Molecular Probes of its intention to initiate an administrative proceeding against Molecular Probes, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Molecular Probes that alleged that Molecular Probes committed 97 violations of the Regulations, specifically:

1. *97 Violations of 15 C.F.R. § 764.2(a) - Unlicensed Exports of Toxins: On 97 occasions from in or about January 1998 through in or about October 2002, Molecular Probes exported conotoxin and tetrodotoxin, items subject to the Regulations and Export Control Classification Number 1C351, from the United States to various destinations, including Canada, Japan and France, without the licenses required by Section 742.2 of the Regulations.*

WHEREAS, Molecular Probes has reviewed the proposed charging letter and is aware of the allegations made against it and the administrative sanctions that could be imposed against it if the allegations are found to be true;

11, 2003), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.

WHEREAS, Molecular Probes and Invitrogen fully understand the terms of this Agreement and the Order (“Order”) that the Assistant Secretary of Commerce for Export Enforcement will issue if she approves this Agreement as the final resolution of this matter;

WHEREAS, Molecular Probes and Invitrogen enter into this Agreement voluntarily and with full knowledge of their rights;

WHEREAS, Molecular Probes and Invitrogen state that no promises or representations have been made to them other than the agreements and considerations herein expressed;

WHEREAS, Molecular Probes neither admits nor denies the allegations contained in the proposed charging letter;

WHEREAS, Molecular Probes and Invitrogen wish to settle and dispose of all matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, Molecular Probes and Invitrogen agree to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Molecular Probes, under the Regulations, in connection with the matters alleged in the proposed charging letter.

2. The following sanction shall be imposed against Molecular Probes in complete settlement of the violations of the Regulations relating to the transactions specifically detailed in the voluntary self-disclosure and proposed charging letter:

- a. Molecular Probes shall be assessed a civil penalty in the amount of \$266,750 which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order.
- b. The timely payment of the civil penalty agreed to in paragraph 2.a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Molecular Probes. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of Molecular Probes's export privileges for a period of one year from the date of imposition of the penalty.
- c. Invitrogen guarantees the timely payment of the civil penalty provided in paragraph 2.a. above.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Molecular Probes and Invitrogen hereby waive all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, if entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in the proposed charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; (c) request any relief from the Order, if entered, including without limitation relief from the terms of a denial order under 15 C.F.R. § 764.3(a)(2); and (d) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. Upon entry of the Order and timely payment of the \$266,750 civil penalty, BIS will not initiate any further administrative proceeding against Molecular Probes in connection with violations of the Act or the Regulations relating to the transactions specifically detailed in the voluntary self-disclosure and proposed charging letter.

5. BIS will make the proposed charging letter, this Agreement, and the Order, if entered, available to the public.

6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(a) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

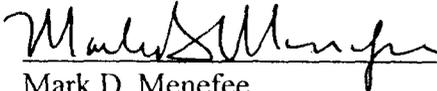
7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

9. Each signatory affirms his authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

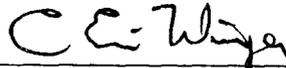
BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE

MOLECULAR PROBES, INC.



Mark D. Menefee
Director
Office of Export Enforcement

Date: 3/3/04



John White C. Eric Winzer
Vice President of Operations
Chief Financial Officer

Date: Feb 25, 2004

INVITROGEN CORPORATION



By: John A. Cottingham
Title: Vice President, General Counsel, and Secretary

Date: 24 FEB 2004

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Molecular Probes, Inc.)
29851 Willow Creek Road)
Eugene, Oregon 97402)
)
Respondent.)
)

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) has notified Molecular Probes, Inc. (“Molecular Probes”) of its intention to initiate an administrative proceeding against Molecular Probes pursuant to Section 766.3 of the Export Administration Regulations¹ (“Regulations”) and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),² based on the proposed charging letter issued to Molecular Probes that alleged that Molecular Probes committed 97 violations of the Regulations. Specifically, the charges are:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The violations charged occurred from 1998 to 2002. The Regulations governing the violations at issue are found in the 1998 through 2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1998-2002)). The Regulations define the violations that BIS alleges occurred and establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.

1. *97 Violations of 15 C.F.R. § 764.2(a) - Unlicensed Exports of Toxins:* On 97 occasions from in or about January 1998 through in or about October 2002, Molecular Probes exported conotoxin and tetrodotoxin, items subject to the Regulations and Export Control Classification Number 1C351, from the United States to various destinations, including Canada, Japan and France, without the licenses required by Section 742.2 of the Regulations.

BIS, Molecular Probes and its parent company, Invitrogen Corporation (“Invitrogen”), have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$266,750 is assessed against Molecular Probes, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Molecular Probes will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

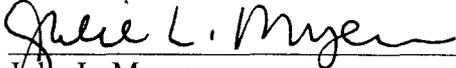
THIRD, that Invitrogen guarantees timely payment of the civil penalty and any related interest and charges that may accrue if the penalty is not timely paid.

FOURTH, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license

exception, permission, or privilege granted, or to be granted, to Molecular Probes. Accordingly, if Molecular Probes or Invitrogen should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Molecular Probes's export privileges for a period of one year from the date of entry of this Order.

FIFTH, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.



Julie L. Myers
Assistant Secretary of Commerce
for Export Enforcement

Entered this 2nd day of April 2004.